REMARKS

Claims 1-25, 28-49 and 52-64 are pending in the present application. Reconsideration is respectfully requested for the following reasons.

Applicant would like to thank the Examiner for taking the time for a personal interview on September 12, 2007, wherein claims 1 and 46 were discussed along with the Examiner's interpretation of U.S. Patent No. 5,820,245 to Desmond et al. as it pertains to those claims.

Claims 1-7, 9-13, 16-18, 20-24, 28-30, 32-36, 38-42, 45-49, 52-55, 57, 58 and 60-63 have been rejected under 35 U.S.C. §102(b) as being anticipated by the Desmond et al. '245 patent. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim*." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of anticipation based upon the prior art. *In re Sun*, 31 U.S.P.Q.2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Applicant respectfully asserts that the Examiner has not yet met his burden of establishing a prima facie case of anticipation with respect to the rejected claims.

Claim 1 defines an interior rearview mirror for a vehicle having a front windshield comprising a mounting bracket adapted to be mounted inside the vehicle in a location proximate to or on the front windshield of the vehicle, a mirror housing coupled to the mounting bracket, a reflective element located within the mirror housing with the reflective element having a front face defining a reflecting plane and with the reflective element being configured to reflect an image having a reflecting component in a first direction out of the mirror housing, and a light source located within the mirror housing, with the light source emitting light along a beam axis and the beam axis having a directional component in a second direction. The first direction and the second direction are perpendicular to the reflecting plane and the first direction is opposite to the second direction.

Applicants submit that the prior art of record does not disclose the above noted features of claim 1. Specifically, Applicant submits that the Desmond et al. '245 patent does not disclose a reflective element having a front face defining a reflective plane and with the

reflective element being configured to reflect an image having a reflecting component in a first direction out of a mirror housing, and a light source located within the mirror housing, with the light source emitting light along a beam axis having a directional component in a second direction, wherein the first direction and the second direction are perpendicular to the reflecting plane and the first direction is opposite to the second direction, along with the remaining features of claim 1.

According to the Office Action, the Desmond et al. '245 patent includes light sources 63 and 78. However, Applicants submit that a beam axis of light emitted from the bulbs 63 and 78 of the Desmond et al. '245 patent does not have a directional component in a second direction. As shown in Fig. 6 of the Desmond et al. '245 patent, the mirror assembly 10 includes a reflective element 100 having a front glass 101, a mirror 102, a foam layer 111 and a circuit board 32. The front and rear face of the circuit board 32 are parallel to any front face of a reflective element in the Desmond et al. '245 patent. Accordingly, once again looking at Fig. 6 of the Desmond et al. '245 patent, a first direction would be a horizontal line to the left and a second direction would be a horizontal line to the right. Applicant submits that the beam axis of the bulbs 63 and 78 is parallel to the faces of the circuit board 32, parallel to the front face of any reflective element, and thereby cannot have any directional component in a second direction. Namely, Applicant submits that any beam axis of the bulbs 63 and 78 are parallel as clearly shown in Figs. 9 and 10 of the Desmond et al. '245 patent, such that any beam axis of the bulbs 63 and 78 do not have a directional component in a second direction. While the bulbs 63 and 78 are angled downward as shown in Fig. 9 and 10, the bulbs 63 and 78 are clearly not shown as being angled rearward. Accordingly, claim 1 is in condition for allowance.

Claims 2-16 depend from claim 1, and since claim 1 defines unpatentable subject matter as discussed above, claims 2-16 define patentable subject matter. Furthermore, in regard to claim 7, the prior art of record does not disclose the above noted features of claim 1 and further including a planar mirror configured to redirect light emitted from a light source through a bottom opening of a housing. According to the Office Action, the Desmond et al. '245 patent includes deviators 40 and 41. However, the elements 40 and 41 of the Desmond et

al. '245 patent are clearly not planar. Moreover, in regard to claim 10, the prior art of record does not disclose a lens diffusing light exiting a bottom opening of a housing. According to the Office Action, the Desmond et al. '245 patent includes lenses 80 and 82 at a bottom opening of a housing. However, the lenses 80 and 82 do not diffuse any light exiting a bottom opening. According to the Desmond et al. '245 patent, the lenses 80 and 82 are used to focus light at a particular target region or location. Furthermore, Applicants submit that the Desmond et al. '245 patent actually teaches away from the lenses diffusing any light. See lines 60-68 of column 5 and lines 1-15 of column 6. Applicant submits that any discussion of diffusing light in the Desmond et al. '245 patent is drawn to the natural tendency of light to diffuse even without any lens and that the purpose of the lenses 80 and 82 along with the reflectors members 40 and 41 is to prevent diffusion of any light from the bulbs 63 and 78. Furthermore, in regard to claim 16, Applicant submits that the prior art of record does not disclose a beam axis from a light source that is parallel to a first direction. As discussed above, any second direction of the Desmond et al. '245 patent as interpreted in the Office Action would be along a horizontal line to the right in Fig. 6. However, any beam axis from the bulbs 63 and 78 are clearly not parallel to any first direction, which is perpendicular to a reflecting plane, along with the second direction being perpendicular to a reflecting plane. Accordingly, claims 2-16 are in condition for allowance.

Claim 17, as amended, defines a rearview mirror subassembly a housing having a front opening and a bottom opening, a reflective element located within the housing, with the reflective element configured to reflect light through the front opening, a light source located within the housing, a deviator configured to redirect the light emitted from the light source to the bottom opening of the housing, and a lens covering the bottom opening of the housing. The lens diffuses light exiting the bottom opening.

The prior art of record does not disclose the above noted features of claim 17. Specifically, the Desmond et al. '245 patent does not disclose a housing, reflective element, a light source and a deviator as claimed in claim 17, along with a lens covering a bottom opening of a housing, with the lens diffusing light exiting the bottom opening. As discussed above in regard to claim 10, the Desmond et al. '245 patent does not include a lens diffusing light

exiting a bottom opening and teaches away from having any lens diffusing light. Accordingly, claim 17 is in condition for allowance.

Claims 18-25 and 28-31 depend from claim 17, and since claim 17 defines patentable subject matter as discussed above, claims 18-25 and 28-31 define patentable subject matter. Furthermore, in regard to claim 18, the prior art of record does not disclose that the reflective element has a front face defining a reflecting plane, with the reflective element being configured to reflect the light having a reflecting component in a first direction through the front opening, and that the light source emits light along a beam axis, with the beam axis having a directional component in a second direction, and that the first direction and the second direction are perpendicular to the reflecting plane and the first direction is opposite to the second direction. Specifically, as discussed above in regard to claim 1, the Desmond et al. '245 patent does not disclose a light source emitting light along a beam axis having a directional component in a second direction, with the second direction being perpendicular to a reflecting plane of a reflecting element. Moreover, in regard to claim 20, as discussed above in regard to claim 16, the Desmond et al. '245 patent does not disclose a beam axis that is parallel to a first direction. Moreover, in regard to claim 24, as discussed above in regard to claim 7, the Desmond et al. '245 patent does not disclose a deviator that comprises a mirror that is planar. Furthermore, in regard to claim 29, the prior art of record does not disclose a light source that comprises an LED. Notably, the bulbs 63 and 78 are not disclosed as being LEDs. Furthermore, in regard to claim 30, Applicants submit that the cited art of record does not disclose a carrier plate and a circuit board as claimed in claim 30, along with the remaining features of claim 17. Specifically, the Desmond et al. '245 patent does not disclose both a carrier plate and a printed circuit board. While the Office Action indicates that Fig. 10 of the Desmond et al. '245 patent discloses a carrier plate, only a printed circuit board 32 appears to be shown in Fig. 10. Accordingly, claims 18-25 and 28-31 are in condition for allowance.

Claim 32 defines a rearview mirror subassembly for a vehicle comprising a mirror housing having a bottom opening, a reflective element located within the mirror housing, with the reflective element being configured to reflect an image having a reflecting component in a first direction out of the mirror housing, a light source located within the mirror housing, with

the light source emitting light along a beam axis and with the beam axis having a directional component in a second direction, and a deviator configured to redirect the light emitted from the light source to the bottom opening of the housing. The first direction and the second direction are parallel and opposite.

Applicants submit that the prior art of record does not disclose the above noted features of claim 32. Specifically, Applicant submits that the prior art of record does not disclose a light source emitting light along a beam axis having a direction component in a second direction, a reflective element being configured to reflect an image having a reflective component in a first direction out of a mirror housing, wherein the first direction and second direction are parallel and opposite, along with the remaining features of claim 32. Specifically, as discussed above in regard to claim 1, the Desmond et al. '245 patent does not disclose any light source having a beam axis having a directional component in a second direction wherein the second direction is parallel and opposite to a first direction and where a reflective element is configured to reflect an image having a reflective component in a first direction out of a mirror housing. Accordingly, claim 32 is in condition for allowance.

Claims 33-45 depend from claim 32, and since claim 32 defines patentable subject matter as discussed above, claims 33-45 define patentable subject matter. Furthermore, in regard to claim 36, as discussed above in regard to claim 7, the Desmond et al. '245 patent does not disclose any deviator comprising a mirror that is planar. Furthermore, in regard to claim 39, Applicants submit that the Desmond et al. '245 patent does not disclose any lens diffusing light exiting a bottom opening as discussed above in regard to claim 10. Furthermore, as discussed above in regard to claim 29, the Desmond et al. '245 patent does not disclose a light source as claimed wherein the light source comprises an LED. The bulbs 63 and 78 are not LEDs. Moreover, in regard to claim 42, as discussed above in regard to claim 30, the Desmond et al. '245 patent does not disclose both a carrier plate and a printed circuit board. Furthermore, in regard to claim 45, the Desmond et al. '245 patent does not disclose a beam axis that is parallel to the first direction. Accordingly, claims 33-45 are in condition for allowance.

Claim 46 defines a rearview mirror subassembly comprising a housing having a front

opening in a front wall of the housing and a bottom opening in a bottom wall of the housing, a reflective element located within the housing, with the reflective element having a front face configured to reflect light through the front opening and a rear face, a printed circuit board including a first side facing towards the reflective element and a second side facing away from the reflective element, and an LED device directly connected to the second side of the printed circuit board. Light from the LED device exits the housing through the bottom opening in the housing.

The prior art of record does not disclose the above noted features of claim 46. Specifically, the Desmond et al. '245 patent does not disclose a housing having a front opening in a front wall of the housing and a bottom opening in a bottom wall of the housing and an LED device, wherein light from the LED device exits the housing through the bottom opening in the housing, along with the remaining features of claim 46. Specifically, the Desmond et al. '245 patent does not disclose any LED device, wherein light from the LED device exits the housing through a bottom opening in a bottom wall of the housing. Notably, the bulb elements 63 and 78 are not LED devices, and no LED device of the Desmond et al. '245 patent emits any light that exits a bottom opening of the housing. Accordingly, claim 46 is in condition for allowance.

Claims 47-49 and 52-64 depend from claim 46, and since claim 46 defines patentable subject matter as discussed above, claims 47-49 and 52-64 define patentable subject matter. Furthermore, in regard to claim 47, the prior art of record does not disclose an LED device that emits light along a beam axis, wherein the beam axis of the light emitted from the LED device is non-parallel with a line perpendicular to a second side of a printed circuit board. Specifically, any beam axis of light emitted by the bulb 63 and 78 is parallel with a line perpendicular to a second side of the printed circuit board. Furthermore, in regard to claim 48, the prior art of record does not disclose a beam axis of light emitted from an LED device that is substantially perpendicular to a line perpendicular to a second side of a printed circuit board. Specifically, any light emitted by the bulbs 63 and 78 has a beam axis that is parallel to a line perpendicular to a second side of a printed circuit board. Moreover, in regard to claim 53, as discussed above in regard to claim 10, the Desmond et al. '245 patent does not disclose

and teaches against a lens covering a bottom opening of a housing that diffuses light exiting the bottom opening. Furthermore, in regard to claim 55, the prior art of record does not disclose a carrier plate located between a reflective element and a printed circuit board. Notably, the Desmond et al. '245 patent does not disclose any carrier plate, much less a carrier plate located between a reflective element and a printed circuit board. Furthermore, in regard to claim 58, the prior art of record does not disclose that the front face of the reflective element defines a reflecting plane, with the reflective element being configured to reflect light having a reflecting component in a first direction through the front opening, and with the LED device emits light along a beam axis, the beam axis having a directional component in a second direction, and wherein the first direction and the second direction are perpendicular to the reflecting plane and the first direction is opposite to the second direction. Specifically, a beam axis of the bulbs 63 and 78 is parallel to a reflective plane of a reflective element. Moreover, in regard to claim 60, the prior art of record does not disclose a beam axis that is parallel to the first direction. Notably, a beam axis of the bulbs 63 and 78 of the Desmond et al. '245 patent is perpendicular to the first direction. Moreover, in regard to claim 63, as discussed above in regard to claim 57, the Desmond et al. '245 patent does not disclose a deviator that comprises a mirror that is planar. Accordingly, claims 47-49 and 52-63 are in condition for allowance.

Claims 8, 14, 15, 19, 25, 31, 37, 43, 44, 56, 59 and 64 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Desmond et al. '245 patent in view of U.S. Patent No. 6,502,907 to Anderson et al.

Claims 8, 14 and 15 depend from claim 1, and since claim 1 defines patentable subject matter as discussed above, claims 8, 14 and 15 define patentable subject matter. Furthermore, claims 19, 25 and 31 depend from claim 17, and since claim 17 defines patentable subject matter as discussed above, claims 19, 25 and 31 define patentable subject matter. Moreover, claims 37, 43 and 44 depend from claim 32, and since claim 32 defines patentable subject matter as discussed above, claims 37, 43 and 44 define patentable subject matter. Finally, claims 56, 59 and 64 depend from claim 46 and since claim 46 defines patentable subject matter as discussed above, claims 56, 59 and 64 define patentable subject matter. Furthermore, in regard to claims 15, 19, 44 and 59, Applicants submit that the citation to the

In re Aller case is inapplicable to these claims. The *In re Aller* case applies to ranges for a chemical composition in a process and does not apply to changing the direction of a beam axis of a light source. Applicants submit that the direction of a beam axis is not a "range." Furthermore, in order to make a rejection over a prior holding, the Examiner is required to compare the facts in the present case to those in the cited case and explain why, based upon this comparison, the legal conclusion in the present case should be the same as that in the cited case as required by MPEP §2144. Instead, the Examiner has relied on a *per se* rule that "where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art." However, it is clear that "reliance on *per se* rules of obviousness is legally incorrect and must cease." *In re Ochiai*, 37 USPQ2d 1127, 1133 (Fed. Cir. 1995). Accordingly, claims 8, 14, 15, 19, 25, 31, 37, 43, 44, 56, 59 and 64 are in condition for allowance.

All pending claims 1-26, 28-49 and 52-64 are believed to be in condition for allowance, and a Notice of Allowability is therefore earnestly solicited.

Respectfully submitted,

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